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Attorneys for Defendants  
City and County of San Francisco, Phillip M. Gordon; Glen Paul Minioza; Brian W. Kneuker; Carlos Gutierrez; Craig F. Tom; Patrick F. Pene; Julio C. Palencia; Andrew N. Brown; Paul E. Rapicavoli; Matthew M. O'Shea; Michael Hennessey; Greg Suhr; Roel L. Lapitan; Frank Latko A.K.A. Franz Latko

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GARY RICHARD LAWMAN by and through  
his Guardian ad Litem Richard de Villiers,

Plaintiff,

vs.

CITY AND COUNTY OF SAN  
FRANCISCO, PHILLIP M. GORDON; GLEN  
PAUL MINIOZA; BRIAN W. KNEUKER;  
CARLOS GUTIERREZ; CRAIG F. TOM;  
PATRICK F. PENE; JULIO C. PALENCIA;  
ANDREW N. BROWN; PAUL E.  
RAPACAVOLI; MATTHEW M. O'SHEA;  
MICHAEL HENNESSEY; GREG SUHR;  
ROEL L. LAPITAN; FRANK LATKO a.k.a.  
FRANZI LATKO; and DOES 1 through 50,  
inclusive,

Defendants.

Case No. 15-CV-01202 DMR (JCS)

**DEFENDANTS' MOTION TO REMOVE  
INCORRECTLY FILED DOCUMENTS;  
[PROPOSED] ORDER**

Trial Date: June 6, 2016

PLEASE TAKE NOTICE that Defendants City and County of San Francisco and Phillip M.

Gordon; Glen Paul Minioza; Brian W. Kneuker; Carlos Gutierrez; Craig F. Tom; Patrick F. Pene; Julio

C. Palencia; Andrew N. Brown; Paul E. Rapicavoli; Matthew M. O'Shea; Michael Hennessey; Greg

1 Suhr; Roel L. Lapitan; Frank Latko A.K.A. Franzi Latko (“Defendants”) submit this Motion to  
 2 Remove Incorrectly Filed Document entitled Notice of Motion and Motion for Summary Judgment or  
 3 Partial Summary Judgment: Memorandum of Points and Authorities (“Memorandum of Points and  
 4 Authorities”) (Dkt. No. 34), which was inadvertently e-filed publicly in support of Defendants’  
 5 Motion for Summary Judgment.

6 The aforementioned document was lodged provisionally under seal with the Court under Local  
 7 Rule 79-5(d) and should not have been publicly filed. (Declaration of Rebecca A. Bers In Support of  
 8 Defendants’ Motion to Remove Incorrectly Filed Documents “Bers Dec.” ¶3.) Though the  
 9 Memorandum of Points and Authorities was lodged with the Court under seal, the redacted version  
 10 was inadvertently lodged under seal, and the unredacted version was inadvertently uploaded to ECF.  
 11 (Bers Dec. ¶5.) The ECF Help Desk was notified, and a temporary hold was placed on these  
 12 documents, after this inadvertent filing error was discovered. (Bers Dec. ¶6.) While no longer publicly  
 13 accessible, these documents cannot be permanently removed until the Court rules on this motion. (*Id.*)  
 14 Corrected public versions of the aforementioned dockets have been filed. (Bers Dec. ¶6.)

15 Defendants respectfully request that this Court authorize the removal of the incorrectly filed  
 16 documents from the docket.

17 Dated: November 10, 2015

18 DENNIS J. HERRERA  
 19 City Attorney  
 20 CHERYL ADAMS  
 21 Chief Trial Deputy  
 22 JAMES HANNAWALT  
 23 REBECCA A. BERS  
 24 Deputy City Attorneys

25 By: /s/ Rebecca A. Bers  
 26 REBECCA A. BERS

27 Attorneys for Defendants  
 28 City and County of San Francisco, Phillip M. Gordon;  
 Glen Paul Minioza; Brian W. Kneuker; Carlos Gutierrez;  
 Craig F. Tom; Patrick F. Pene; Julio C. Palencia; Andrew  
 N. Brown; Paul E. Rapicavoli; Matthew M. O’Shea;  
 Michael Hennessey; Greg Suhr; Roel L. Lapitan; Frank  
 Latko a.k.a. Franzi Latko

**ORDER**

FOR GOOD CAUSE SHOWN, the Court grants Defendants' Motion to Remove Incorrectly Filed Documents entitled Notice of Motion and Motion for Summary Judgment or Partial Summary Judgment: Memorandum of Points and Authorities (Dkt. 34), which was inadvertently e-filed publicly, from the docket.

**IT IS SO ORDERED.**

Dated: November 16, 2015

By: \_\_\_\_\_

